

IN THE MAGISTRATE COURT OF MONONGALIA COUNTY, WEST VIRGINIA  
STATE OF WEST VIRGINIA

v. Scott Ballou

Case No. 13-M31M-06741  
13-M31M-6739

MOTION

The ☐ Plaintiff  
☐ Defendant  
☒ State of West Virginia

in the above-styled case hereby moves or requests that this court:

☐ remove this case to circuit court (if civil)

☐ continue the case from the currently scheduled date of \_\_\_\_\_

☐ other (specify): to dismiss charges with prejudice

This motion is based upon the following grounds: The State and the defendant have entered into an agreement for dismissal w/ prejudice of the charges, pursuant to traditions and understandings as set forth in the Attachment, which has been signed by the Prosecuting Attorney, Counsel for the defendant, the defendant and the complaining witness.

Maria Anderson, Prosecuting Attorney  
Signature of party filing motion/attorney for the party/prosecutor

April 7, 2016  
Date

**NOTICE TO PARTY FILING MOTION:** One copy of this motion must be filed with the court and one copy must be mailed or delivered by hand to the attorneys for all other parties or to the parties themselves if they are not represented by attorneys.

CERTIFICATE OF SERVICE

I, Maria Anderson, hereby certify that I have served a copy of the above motion on the attorneys for all parties or, if such parties are not represented by attorneys, to the parties themselves on the 7th day of April, 2016, ☒ by hand ☐ by first-class mail to:

Name and address of attorneys or parties served:

J. Michael Berninger

Maria Anderson  
Signature

April 7, 2016  
Date

**NOTICE TO PARTY RECEIVING MOTION:** Contact the magistrate court to see whether the requested action has been granted, denied or set for hearing.

RULING

As a result of the hearing on \_\_\_\_\_, the motion is

- ☐ Denied  
☒ Granted as requested  
☐ Granted in the following manner: \_\_\_\_\_

4-7-16  
Date

Hershel L. Muller  
Magistrate

**ATTACHMENT TO MOTION TO DISMISS WITH PREJUDICE**

To effectuate the resolution of Case No. 13-M31M-06741, State v. Scott Ballock, by *and 13-1131M-06739*  
dismissal of the charges the defendant and the complainant mutually agree as follows:

1. Scott Ballock acknowledges that probable cause existed for West Virginia State Police to file for the issuance of the warrants in this case pursuant to W.Va. Code §61-3C-14a and §61-2-9a.

2. Scott Ballock acknowledges communicating via email with Ellen (Ballock) Costlow after it is alleged that a letter was sent to him asking him to stop such communications to Ellen Costlow.

3. Scott Ballock agrees to cease, and to not initiate or reinstate, if applicable, efforts to affect Ellen Costlow's personal reputation, employment, professional status or workplace relationships, and he agrees to discourage any other person purporting to act on his behalf to similarly cease, or not reinstate any disparagement of Ellen Costlow on social media or other platforms of public communications. Scott Ballock also agrees to assist in removing any remaining remnants of disparaging social media postings by taking reasonable steps within his control to remove these postings, links or other social media communications.

4. Ellen Costlow agrees that she will not communicate any disparaging information or commentary to Scott Ballock's employer or place of employment, or on social media or any other platforms of public communications.

5. Scott Ballock and Ellen Costlow agree that the Family Court, in which they were engaged in litigation when the communications giving rise to the misdemeanor charges in this case occurred, will retain jurisdiction over any lawful matters involving family issues that may

*QMB*  
*13*

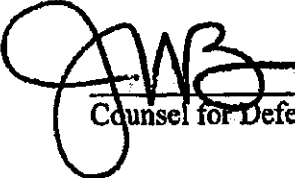
*mya*  
*ERC*

arise between the parties in the future. Scott Ballock, who has sole custody of the children, agrees to inform Ellen Costlow by email of any changes of the children's address.

6. Scott Ballock agrees not to contact Ellen Costlow by any means or for any reason other than to notify her by email of hospitalization of either child, or regarding either child traveling outside of the country.

 04/07/2016  
\_\_\_\_\_  
Scott Ballock, Defendant

  
\_\_\_\_\_  
Ellen Costlow, Complainant

 4/7/16  
\_\_\_\_\_  
Counsel for Defendant

  
\_\_\_\_\_  
Prosecuting Attorney's Office